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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**

6 IAN MCCRAY,
7 Plaintiff,
8 v.
9 UNITE HERE! LOCAL 19,
10 Defendant.
11

Case No. [16-cv-01233-BLF](#)

**ORDER STRIKING PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
FIRST AMENDED COMPLAINT**

[Re: ECF 41]

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13 On October 17, 2016, Plaintiff Ian McCray filed his opposition to Defendant's motion to
14 dismiss. Opp'n, ECF 41. Because the opposition violates the Court's Standing Order re Civil
15 Cases and Civ. L.R. 3-4(c)(2) with respect to the use of footnotes, Plaintiff's opposition is
16 **STRICKEN**.

17 This Court's Standing Order re Civil Cases, subsection E.4 provides that footnotes "are to
18 be used sparingly and citations to textual matter shall not be contained in footnotes." Several
19 pages of the opposition contain lengthy footnotes—and, on one page, a footnote that is more than
20 half a page. Opp'n 22. Through this use of footnotes, Plaintiff included 111 lines of single-
21 spaced text—the equivalent of 4 pages had Plaintiff complied with the Civil Local Rules'
22 requirement that text in the body of the brief be double-spaced with no more than 28 lines per
23 page. *See* Civ. L.R. 3-4(c)(2). Had Plaintiff complied with these rules, his brief would have been
24 oversized, at 29 pages.

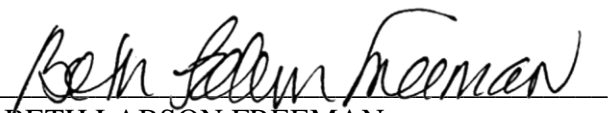
25 Because Plaintiff's use of footnotes violates the Court's Standing Order and the Civil
26 Local Rules, the Court **STRIKES** Plaintiff's opposition to Defendant's motion to dismiss the first
27 amended complaint. The Court **ORDERS** Plaintiff to file an opposition that complies with the
28 Standing Order and Civil Local Rules; contains few footnotes, if any; and does not exceed 25

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pages inclusive of the signature page by no later than October 31, 2016. This order does not affect Defendant's reply, which remains due October 24, 2016.

IT IS SO ORDERED.

Dated: October 24, 2016


BETH LABSON FREEMAN
United States District Judge